

# EXHIBIT E

1 MR. LONGSTRETH: I've got a document  
2 that I would like to have marked as  
3 Defendants' Exhibit 14.

4  
5 (Defendants' Exhibit 14 marked for  
6 identification)

7  
8 BY MR. LONGSTRETH:

9 Q. You can talk a look at it, I'm just  
10 going to ask you if you recognize it?

11 A. Yes.

12 Q. Was that -- well, just describe what it  
13 is?

14 A. It's a tweet.

15 Q. Okay. From?

16 A. Richard Spencer.

17 Q. Okay. And is this where he is  
18 responding to your tweet about Heather Heyer?

19 A. Yes.

20 Q. Okay. And he says he will no longer  
21 associate with you. Has he no longer associated  
22 with you?

23 A. Pretty much.

24 Q. Well, is pretty much, what is the  
25 difference between pretty much and no?

1 A. Yes.

2 Q. Okay. Did you transfer over any  
3 information from the 5 to the 8?

4 A. Yes.

5 Q. What information?

6 A. All of it. Everything that was on the  
7 other phone is on the new phone.

8 Q. Okay. So, even any texts or e-mails  
9 that were on that phone?

10 A. Yes.

11 Q. Okay. You got a document request from  
12 us, do you recall that?

13 A. Yes.

14 Q. Okay. Did you look at your phone to  
15 find out if you had any texts that might be  
16 responsive to that document request?

17 A. The texts are in the -- yeah, we turned  
18 over the texts.

19 Q. You did turn over the texts?

20 A. Yes.

21 Q. And where are those?

22 A. Those are in the Drop Box folder.

23 Q. Okay. Do you recall any particular  
24 texts in there that you turned over?

25 A. There are -- I put everything in there.

1 document provided to us in discovery?

2 A. What document?

3 Q. The document that is just been marked  
4 as Dx 15?

5 A. We mentioned that all of my public  
6 posts are available. So we gave information about  
7 the Gab account, which this is referencing.

8 Q. Okay. So, your understanding is that  
9 if we can go find it ourselves, you don't have to  
10 produce it in discovery, is that your  
11 understanding?

12 A. I don't have any understanding of  
13 discovery. I just gave information to my  
14 attorneys.

15 Q. Okay. When did you edit this document?

16 A. I don't recall.

17 Q. Okay. When you say you gave  
18 information to your attorneys, you posted the  
19 documents under the Drop Box yourself; is that  
20 correct?

21 A. Yes.

22 Q. Okay. Do you recall this having been  
23 posted about a month or so ago?

24 A. Yes.

25 Q. So this was after the lawsuit was

1       **Mr. Kolenich is on the line?**

2           A.       Well, we will look into it and make  
3       sure that that's provided.

4           **Q.       We sent you a note, I guess, on Friday.**  
5       **Did you got a copy of that?**

6           A.       I was not made aware of the discovery  
7       request until after it was already due. So I had  
8       to rush to get everything available. So, we will  
9       do our best to provide anything to you guys.

10          **Q.       Okay. Were you made aware of our**  
11       **letter to Mr. Kolenich on last Friday suggesting**  
12       **deficiencies in your discovery responses?**

13          A.       I don't think so.

14          **Q.       Okay.**

15               MR. LONGSTRETH: Jim, can you share  
16       that with your client, please.

17               MR. KOLENICH: Yeah, John, we will go  
18       over it. Obviously his answers here are --  
19       he is not talking about the process where we  
20       determine what goes into the Drop Box or not,  
21       because that's privileged, so...

22               MR. LONGSTRETH: No, I understand.

23               MR. KOLENICH: He's accurate in the  
24       fact that, you know, this be privileged, too,  
25       but to the best of our knowledge, we haven't

1           A.     I just don't -- I can't think of  
2           anything other than those e-mails and  
3           communications with my attorneys that has to do  
4           with this rally.

5           Q.     Okay. Did you do a search function on  
6           your e-mail server?

7           A.     Yeah.

8           Q.     You did a search function. What search  
9           terms did you use?

10          A.     I think I used Unite the Right, UTR 2,  
11          that kind of thing.

12          Q.     Okay. Can you recall that with any  
13          more specificity?

14          A.     Those are the search terms that I use  
15          was Unite the Right 2, UTR 2.

16          Q.     Okay. Did you receive any direction  
17          from your attorney as to how to respond to the  
18          discovery?

19          A.     Not really.

20                   MR. KOLENICH: I will object to that.

21                   And, Jason, don't answer that.

22                   MR. LONGSTRETH: Okay.

23          BY MR. LONGSTRETH:

24                  Q.     You did testify that you were not made  
25                  aware of the discovery until after the date it was

1 Q. Did you search the hard drive on your  
2 computer for responsive documents?

3 A. We turned it over in the Drop Box.

4 Q. Can you answer my question?

5 A. Yes.

6 Q. You did. How did you make that search?

7 A. Went into the Drop Box and saw what we  
8 had in there.

9 Q. No, I'm talking about -- let me back  
10 you a little bit. Do you own a personal computer?

11 A. Yes.

12 Q. And what type of computer, what model?

13 A. I don't know.

14 Q. It's a laptop or a?

15 A. I have a personal computer, yes.

16 Q. So is that a laptop?

17 A. I have a laptop and a personal desktop  
18 is what it is.

19 Q. A laptop and a desktop, okay.

20 Did you search the files stored in  
21 either of those to determine if you had responsive  
22 documents?

23 A. Yes.

24 Q. How did you do that search?

25 A. We have been compiling -- as I go

1 along, every single document that I have that is  
2 relevant to these cases I put them into the Drop  
3 Box. And we provided you guys with the Drop Box  
4 link.

5 Q. So, you made no separate search when  
6 you got our discovery requests, you just assumed  
7 everything was -- had been put into the Drop Box  
8 based on your assessment previously of what was  
9 relevant to your case, is that the testimony?

10 A. No. The stuff that was relevant to  
11 this case, which had not been disclosed in other  
12 legal proceedings were the Facebook messages which  
13 was like 400 pages of Facebook messages which we  
14 turned over.

15 Q. Okay. So the only thing that you gave  
16 us that you hadn't already provided in these other  
17 cases was the 400 pages of Facebook messages?

18 A. That's all that I have that's really --  
19 as far as I'm aware, that's all that I have that  
20 is relevant to this that isn't relevant to the  
21 other stuff.

22 Q. And are those the Facebook messages  
23 that you put in the Drop Box and then you later  
24 took them out, redacted them and put a new version  
25 in?



1           you have sent or received in the last year?

2           A.       Yes.

3           Q.       It will. And in responding to our  
4           discovery requests, what did you do with respect  
5           to those e-mails?

6           A.       I searched for the key terms and I  
7           forwarded those to my attorney.

8           Q.       Okay. And again, what were the key  
9           terms you used --

10          A.       Unite the Right --

11          Q.       -- to the best of your recollection?

12          A.       -- 2 and UTR 2.

13          Q.       Anything else?

14          A.       Not that I can recall.

15          Q.       Just those two, Unite the Right 2 or  
16          UTR 2?

17          A.       Uh-huh.

18          Q.       Okay. So, for example, did you search  
19          for the name Boechat?

20          A.       No.

21          Q.       Okay.

22          Q.       So basically your e-mail that's through  
23          Gmail, what if you create a word document, is that  
24          saved to the hard drive on either of your laptop  
25          or your desktop?

1           A.       I save my word documents to the Drop  
2       Box.

3           Q.       Every word document you create you save  
4       to the Drop Box?

5           A.       No. But the ones that are related to  
6       this case I either create them for the Drop Box or  
7       I transfer them to the Drop Box.

8           Q.       Okay. So, your testimony is that as  
9       you go along, anything that's related to your  
10      various litigations, as soon as you create it, you  
11      put it in the Drop Box?

12          A.       As soon as I realize that it is  
13      relevant to this, to the Charlottesville Unite the  
14      Right litigation cases, I put it in there.

15          Q.       Okay. So, how often do you update that  
16      Drop Box?

17          A.       Fairly regularly, every week.

18          Q.       So, where do you store the documents  
19      while you are waiting to load them into the Drop  
20      Box?

21          A.       If it's related to these cases, I  
22      almost always store it in the Drop Box.

23          Q.       Just right away, as soon as it's  
24      created, you don't wait a week?

25          A.       Yeah. I either save it directly to the

1 so that we can download that production, which I  
2 think is similar to what we did in this case.  
3 Once that seven days is passed and we no longer  
4 have access to the Drop Box, will we get a  
5 notification, we, opposing attorneys in the case,  
6 get a notification when you update the Drop Box?

7 A. Not every single time that it's  
8 updated. But, you guys will receive all  
9 responsive documents within the period of time  
10 before the trial. You will receive everything  
11 that you are asking for.

12 Q. Because why, because your attorneys  
13 will then be notified that you've updated the Drop  
14 Box and they will let us know?

15 A. If we need to give people access to the  
16 Drop Box again to get further documents, then  
17 that's what we will do. We are doing the best we  
18 can.

19 Q. Right. Yeah.

20 Okay. If you are in a chat room  
21 talking about Unite -- talking about UTR, how are  
22 those documents preserved?

23 A. Well, with the 300 plus pages of chat  
24 room documents that I provided in this case, what  
25 I did was I downloaded a copy of that and then I

1 Q. Well, your understanding is if we can  
2 find it publicly, you don't have to provide it in  
3 your discovery, is that your understanding?

4 A. My understanding is that providing you  
5 with the location where you can find it is  
6 providing it.

7 Q. Okay?

8 A. You have access.

9 Q. Okay. Can you have a private chat on  
10 Facebook?

11 A. Yes.

12 Q. That's not publicly available; right?

13 A. Right.

14 Q. But you say you have provided --

15 A. Yes, with he have.

16 Q. Some hundred pages. Can you have a  
17 private chat on VK?

18 A. Yes.

19 Q. Were we provided any of those?

20 A. I don't have any.

21 Q. Okay. Can you have a private chat on  
22 Signal -- I'm sorry, what's Signal?

23 A. Signal is another messenger service.

24 Q. Can you have a private chat on Signal?

25 A. You can.

1 Q. Were we provided any documents from  
2 that?

3 A. I don't have any responsive documents.

4 Q. How do you know that?

5 A. Because it's another privacy messenger  
6 that wipes itself after a certain period of time.

7 Q. So, basically any documents you are  
8 creating concerning the UTR 2 on Signal, you  
9 create those documents and then they are wiped out  
10 a week later?

11 A. They are not saved.

12 Q. They are not saved?

13 A. I don't wipe them. It just is an  
14 application that does not save those things.

15 Q. Okay. So, are you doing anything to  
16 preserve those before they are not saved by Signal  
17 or VK or any of these other services?

18 A. No.

19 Q. When you go on to these private chats  
20 is the purpose of that so you can have discussions  
21 about the rally and keep it private?

22 A. Yes.

23 Q. And then after a week, those  
24 discussions will disappear; is that correct?

25 A. However long the period of time is,

1 Discord is public.

2 Q. Okay. That's all private?

3 A. Yeah.

4 Q. Okay. And did you search for any  
5 documents available to you on the Discord server  
6 related to UTR 2?

7 A. I'm not aware that I have anything  
8 responsive to that.

9 Q. How do you know that?

10 A. Because I haven't been using Discord.

11 Q. When did you stop using Discord?

12 A. Months ago.

13 Q. How many months ago?

14 A. I can't recall. But, I haven't -- in  
15 any case, it was -- I'm not aware of anything that  
16 is responsive to Unite the Right 2 that was on the  
17 Discort.

18 Q. Okay. Did the document request also  
19 ask for documents responsive to -- concerning  
20 Unite the Right 1?

21 A. I don't recall.

22 Q. It did. I can tell that you did it.  
23 Did you search on the Discord server for those?

24 A. No.

25 Q. Why not?

1 Q. Okay. Can you describe how that  
2 process works, so you posted it to Gab AI?

3 A. Yeah.

4 Q. And then how does it go to Twitter  
5 automatically?

6 A. There's a box you can check to have it  
7 post on Twitter.

8 Q. So you checked that box and it went on  
9 Twitter?

10 A. Yes.

11 Q. And this is a document that concerns  
12 UTR 2; right?

13 A. Yes.

14 Q. Was it provided to us in discovery?

15 A. No.

16 Q. Why not?

17 A. I was under the impression that you  
18 guys could look this stuff up, since it's publicly  
19 available.

20 Q. Okay. So, you had no obligation then  
21 to go through your Twitter account to pup and send  
22 responsive information, that was your  
23 understanding?

24 A. We will do that going forward.

25 MR. KOLENICH: I'm going to object and

1 who get on the e-mail list.

2 Q. Okay. But if are you not on the e-mail  
3 list, have you no way of seeing that  
4 communication. I mean, it's a private e-mail  
5 account; right?

6 A. Anybody is allowed to go on to the  
7 website and Sipe up for the e-mail list.

8 Q. Oh, ?

9 A. And there's a publicly available  
10 website.

11 Q. Okay. What is that site?

12 A. Www.unite the Right rally dot-com.

13 Q. Okay. So, somebody can go onto that  
14 site and get on your e-mail list?

15 A. Yes.

16 Q. And then see all the e-mails you send  
17 to that list?

18 A. Yes.

19 Q. Do you have any nonpublic  
20 communications sites for the rally?

21 A. There's only the planning group, which  
22 is the Facebook messengering and like I said, we  
23 have a small group that talks on Signal.

24 Q. Okay. How many people are in that  
25 planning group?



1 and that right is useless if their identities  
2 can be discovered by means of suing people  
3 participating publicly and conducting  
4 discovery.

5 BY MR. LONGSTRETH:

6 Q. Even?

7 A. So, other.

8 MR. KOLENICH: So, otherwise we are  
9 going to decline to identify the person.

10 MR. LONGSTRETH: And you are taking  
11 that position even though we have proposed a  
12 confidentiality order that would allow you to  
13 designate that information is confidential  
14 and usable only for the purposes of the  
15 litigation.

16 MR. KOLENICH: Well, I mean, have we  
17 entered into a confidentiality agreement, I'm  
18 not aware that we have done that yet.

19 MR. LONGSTRETH: Well, we have two  
20 agreements, Jim, we have the first agreement  
21 that when you sent the information to us in  
22 discovery, you asked we hold it as  
23 confidential. We agreed to that on a  
24 temporary basis because obviously much of it  
25 included public information and could not